




Design Build Instructions to Proposers (ITP) and Request for Proposals (RFP) Development


Name _____

Roger Millar, Secretary of Transportation

Safety


- Sign-in
- Who is CPR Qualified?
- AED
- Who will call 911?
- Evacuation
- Restrooms
- Breaks




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Course Overview

- RFP Production – General Principles
- Developing the Request for Proposals
- Contents of the Request for Proposals
- Instructions to Proposers
- Proposal Evaluations
- Award Process


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RFP Production – General Principles



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Risk and Design-Build

- Risk allocation
- Design example
- Risk matrix

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Risk Matrix Example

RISK	Design-Bid-Build			Change	Design-Build Process	
	Owner	Shared	Contractor		Owner	Design Builder
Design Issues						
Definition of Scope	X				X	
Project Definition	X				X	
Establishing Performance Requirement	X				X	
Preliminary survey/base map	X				X	
Geotech Investigation - Initial Borings based on prel des.	X				X	
Geotech Investigation - Initial Borings based on proposal	X			→	X	X
Establish/Define initial subsurface conditions	X				X	
Init proj Geotechnical Anal/Report based on prel. Des.	X			→		X
Proposal specific Geotechnical Analysis/Report	X			→		X
Plan conformance with regulations/guidelines/RFP	X			→		X
Plan accuracy	X			→	X	
Design Criteria	X			→		X
Conformance to Design Criteria	X			→		X
Design Review Process	X			→		X
Design QC	X			→		X
Owner Review Time	X			→	X	
Changes in Scope	X			→	X	
Constructability of Design	X			→	X	X
Contaminated Materials	X				X	

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Clearly Identify Risk

- Risk allocation must be equitable
- Unclear risk will increase project cost
- Design-build is not a “magic bullet”

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Use Design-Build Templates

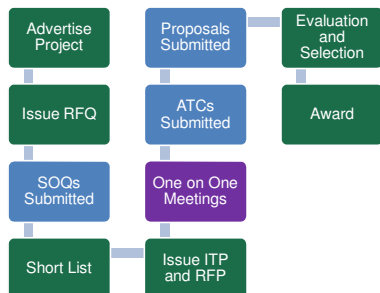
- Access from DB Program SharePoint Site
- Standardize Procurement Process
- <http://sharedot.eng/cn/hqconstr/dpb/sitepages/home.aspx>



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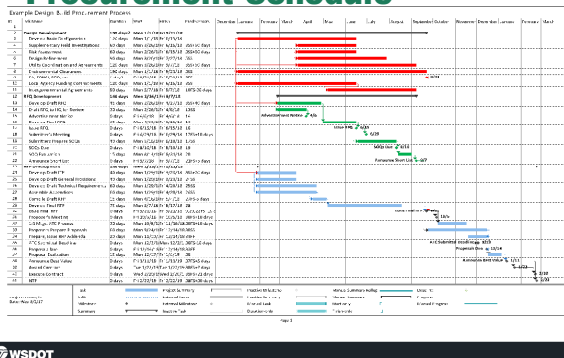
Procurement Process



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Example Design-Build Procurement Schedule



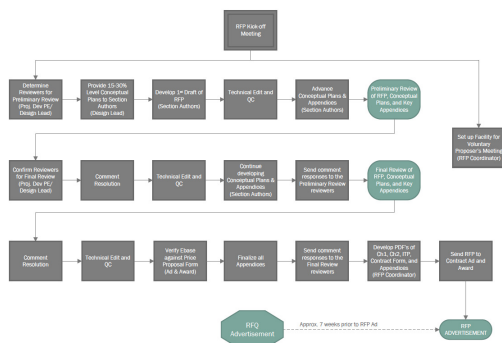
Example Scheduling Tool

RFP Schedule																	
J-405/SR12 to SR520 - Safety & Improvements (\$350m)																	
Task Owner	Task	Duration (days)	Start	Finish	3/4/19	3/11/19	3/18/19	3/25/19	4/1/19	4/8/19	4/15/19	4/22/19	4/29/19	5/6/19	5/13/19	5/20/19	
RFP/SQO Development, Evaluation & Shortlist	Develop RFP, RFP Ad	60.0	7/13/2018	3/14/2019													
	SQO Development	35.0	9/11/2018	10/16/2018													
	Voluntary Submitters Meeting	Milestone	9/14/2018	9/14/2018													
	Deadline for submitting RFP's	Milestone	10/2/2018	10/2/2018													
	Deadline for WSQOT Response to RFP's	Milestone	10/9/2018	10/9/2018													
	SQO Due Date	Milestone	10/16/2018	10/16/2018													
Evaluate SQO Shortlist		23.0	10/16/2018	11/18/2018													
Develop RFP, RFP Ad			3/11/2019	11/5/2019													
Draft RFP			3/11/2019	6/19/2019													
Team Leader	RFP Development Kickoff Mtg	6.0	3/11/2019	3/11/2019													
Author	Develop Draft RFP	42.0	3/11/2019	4/20/2019													
Tech Editor/Author	Technical Edt & QC	21.0	4/22/2019	5/13/2019													
Tech Editor/Team Lead	Create PDF Documents & Distribute for Review	1.0	5/13/2019	5/14/2019													
Reviewers	Draft Review Period	21.0	5/14/2019	6/4/2019													
Tech Editor	Compile Comments, Distribute to Authors	1.0	6/4/2019	6/7/2019													
Final RFP																	
Author	Respose comments, Develop Final RFP	28.0	6/7/2019	7/1/2019													
Tech Editor/Author	Technical Edt & QC	21.0	7/1/2019	7/24/2019													
Tech Editor/Team Lead	Create PDF Documents & Distribute for Review	1.0	7/24/2019	7/25/2019													
Reviewers	Final Review Period	14.0	7/25/2019	8/8/2019													
Tech Editor	Compile Comments, Distribute to Authors	1.0	8/8/2019	8/9/2019													

Roles and Responsibilities

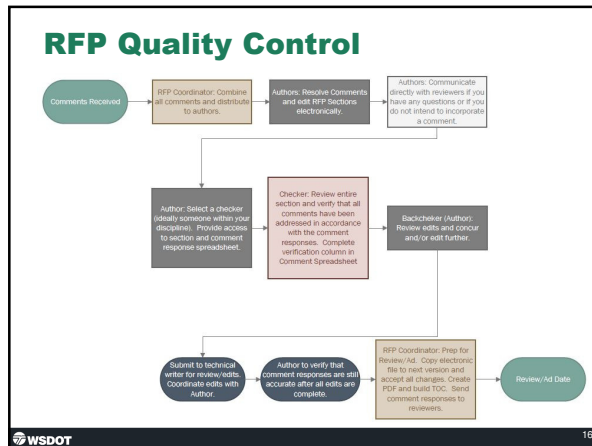
- **Project Development / Design Lead**
- **RFP Coordinator**
- **Chapter 2 Section Authors**
- **ASCE**
- **HQ Design-Build Team**
- **Ad & Award Office**
- **Region Management**

RFP Development Process



RFP Document Text

- **Clear**
- **Concise**
- **Consistent**





- ### Contract Documents – Order of Precedence
- Change Orders and supplemental agreements
 - Contract Form
 - Betterments
 - Chapter 1 – General Provisions
 - Chapter 2 – Technical Requirements
 - Contract Documents identified in Appendix A1
 - Design-Builder's Proposal
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Chapter 2, Technical Requirements

- | | |
|--|---|
| 2.1 General Information | 2.16 Illumination |
| 2.2 Mandatory Standards | 2.17 Traffic Signals |
| 2.5 Surveys and Mapping | 2.18 Intelligent Transportation Systems (ITS) |
| 2.6 Geotechnical | 2.19 Signing |
| 2.7 Pavement | 2.20 Pavement Marking |
| 2.8 Environmental | 2.21 Traffic Operations |
| 2.9 Communications | 2.22 Maintenance of Traffic (MOT) |
| 2.10 Utilities and Relocation Agreements | 2.23 Railroad |
| 2.11 Roadway | 2.24 Right of Way (ROW) |
| 2.12 Project Documentation | 2.25 Control of Materials |
| 2.13 Bridges and Structures | 2.26 Toll Infrastructure |
| 2.14 Hydraulics | 2.28 Quality Management Plan |
| 2.15 Roadside Restoration (Landscape and Aesthetics) | 2.29 Maintenance During Construction |

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Conceptual Plans

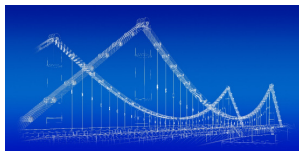
- **Basic Configuration**
 - Elements of the Conceptual Plans that are defined as being contractual.
- **Conceptual Design**
 - Preliminary design concept, including the Basic Configuration, presented in Appendix M and the conceptual Utility Relocation plans presented in Appendix U, if any.
- **Conceptual Plans**
 - Appendix M1

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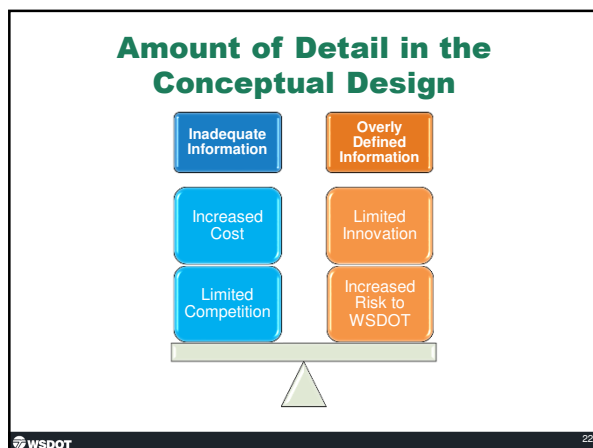
Design Development

- **Initial Development: Pre-procurement**
 - Basic Configuration
 - Conceptual Design
- **Design-Builder's Proposal**
- **Implementation**



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Contract Documents vs. Reference

CONTRACT DOCUMENTS	REFERENCE
<ul style="list-style-type: none"> Determine the mandatory minimums for project Limit "requirements" to project parameters Allow Proposers to innovate and exceed 	<ul style="list-style-type: none"> Shifts risk to Proposer Useful information, but may be outdated Possible conflict with Contract Requirements

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Appendix A1 – RFP Documents

The following is a list of documents included in the RFP. The documents are categorized as Contract Documents, Basic Configuration Documents and Reference Documents.

C = Contract Documents
 BC = Reference Documents except where Basic Configuration elements are depicted or otherwise described
 R = Reference Document, not part of the Contract Documents
 N/A = Not Applicable

Referenced As	RFP Documents	BC, C, R	Issue Date
	The Design-Builders Proposal	C	
	Revisions to The Design-Builders Proposal (BAFO)	C	
RFO	Request for Qualifications	R	11/24/2015
ITP	Instructions to Proposers	R	6/27/2016
Chapter 1	General Provisions	C	6/2/2016
Chapter 2	Technical Requirements	C	6/15/2016
Contract Form	Contract Form	C	6/27/2016
Appendix A	PROJECT FILES		
Appendix A1	RFP Documents	C	6/27/2016
Appendix A2	Electronic Files	R	6/2/2016
Appendix B	SPECIFICATIONS / AMENDMENTS / SPECIAL PROVISIONS		
Appendix B1	Standard Specifications	C	2/1/2016
Appendix B2	Amendments to the Standard Specifications	C	4/6/2016
Appendix B3	Special Provisions	C	4/6/2016
Appendix B4	Olympic Region Miscellaneous Special Provisions	C	2/1/2016

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Types of Reference Documents

- As-Built Plans
- Historic environmental documents
- Old Geotech Reports
- Old boring logs
- Photographs

Example Appendix Documents

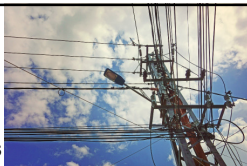
- Design Surveys
- Geotechnical Investigation (GBR, GDR)
- Utilities Investigation
- Environmental Investigation

Geotechnical Conditions

- **Geotechnical Baseline Report (GBR)**
 - WSDOT supplies, responsible for accuracy
 - Provides the basis for Differing Site Conditions
- **Geotechnical Data Report (GDR)**
 - Provides boring logs
 - Proposers responsible for drawing conclusions from information.
- **Supplemental Geotechnical Data Report (SGDR)**
 - Proposers request WSDOT to perform additional borings (Optional)
- **Additional Geotechnical Investigation**
 - Proposers responsible to perform
 - Must request approval from WSDOT

Utilities

- **Identify utilities and location**
- **Include utility agreements**
- **Three options:**
 1. No Utilities
 2. Utilities Option-A
(WSDOT arranges for the relocation/DB collects funds from Agencies)
 3. Utilities Option-B
(WSDOT transfers franchise enforcement rights to design-builder).



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Environmental (NEPA/SEPA)

- **Considerable risk to both WSDOT and design-builder.**
- **Thorough scope with clear definition and risk assignment for all environmental activities.**
- **Prescriptive requirements for documentation and reporting**
- **Permitting usually best managed by WSDOT**
- **Coordinate early with the WSDOT Environmental Manager**

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Right of Way and Access

- **Preliminary Parcel Impact Maps**
 - Developed from County Assessor Maps
 - Identify parcel owner and type of impact
- **Conceptual Design Roadway Plan Sheets**
 - Specifies horizontal and vertical tolerances
- **Additional Acquisitions and Temporary Easements**
 - Responsibility of Design-Builder
 - However, acquisition under the control of WSDOT



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Traffic Information

Elements of Traffic Information:

- Identify controlling guidelines (WSDOT or AASHTO)
- Traffic Management Strategies
- Intelligent Transportation Systems (ITS) Requirements



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Other Provisions

- Pavement
- Noise
- Third Party Agreements



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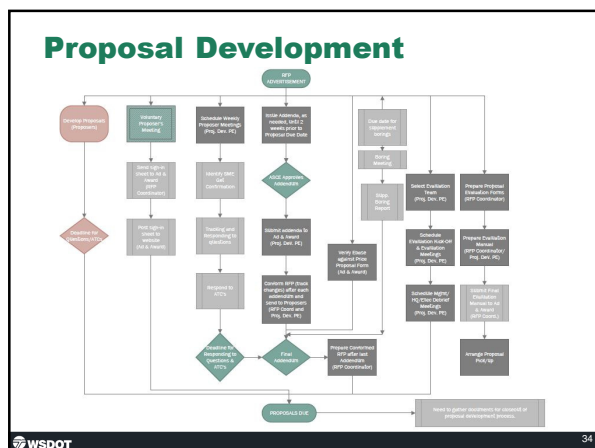
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Instructions to Proposers



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Contents of the ITP

- **General Information**
- **Procurement Process**
- **Proposal Delivery, Content and Format**
- **Proposal Evaluation Process**
- **Contract Award and Execution**
- **Practical Design Workshop**
- **Proposer Stipends**
- **Protests**
- **Appendices**

Focus on Project Goals

- Clearly identify contract requirements
- Allow room for flexibility and innovation
- Provide opportunity to reward excellence
- Use technical credits to exceed goals



General Information

- Scope of Work and Description of Project
- Project Goals
- Procurement Schedule
- MSVWBE/UDBE Goals (If Applicable)



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MSVWBE/DBE Goals

- Voluntary Goals (if established)
- Federal DBE Performance Plan
 - If applicable
 - Pass/Fail
 - Minimum elements
 - Definition of Good Faith Efforts

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Organizational Conflicts of Interest

- Definition:
 - Because of other activities a person or entity
 - Is unable or potentially unable to render impartial assistance or advice to WSDOT.
 - Is or might be otherwise impaired in its objectivity in performing the Contract Work.
 - Has an unfair competitive advantage.
- Proposers must disclose

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Organizational Conflicts of Interest (WSDOT Response)

- **WSDOT may:**
 - Offer to avoid/neutralize conflict
 - Disqualify
 - Declare Proposal non-responsive
- **Federal regulations apply: See 23 CFR §636.116**
- **See OCOI Manual**

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Communications During Proposal Phase

- **Confidentiality is essential!**
- **WSDOT Representative**
 - Receives Proposer questions, ATC submittals, all other communications about Project and RFP
- **Contract Ad and Award Office**
 - Receives Proposals
- **Any Proposer engaging in prohibited communications may be disqualified**



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Proposer Questions and RFP Addenda

- **Proposers may submit questions regarding the ITP or RFP by deadline**
- **Questions and responses are published on the project website**
- **WSDOT may issue addenda**



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Voluntary Proposers Meeting

- Introduction of WSDOT Project Team
- Project Scope
- Project Goals
- Review any unique RFP content
- Engineers Estimate/Upset Amount
- Procurement Schedule
- Outstanding ROW
- Supplemental Boring Program
- ATC Process

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One on One Meetings

- All of the communications are **STRICTLY CONFIDENTIAL!**
- Conducted individually with Proposer
- Proposers can ask questions, clarify the RFP and vet ATC ideas
- WSDOT can discover whether there are issues with the RFP



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Alternative Technical Concept

Definition:

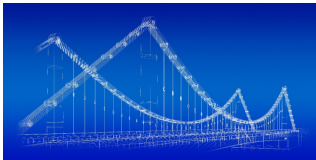
- A confidential request by a Proposer to modify a contract requirement specifically for that Proposer prior to the Proposal due date.
- **Overall “equal or better” project.**
 - Requests that merely delete scope or reduce performance *are not ATCs*.
- **Approval of the ATC is solely within WSDOT’s discretion.**
 - Must be fully approved before submission of the Proposal.

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Benefits of the ATC

- Reduces cost
- Promotes innovation
- Maintains flexibility



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Key Personnel

- **Proposers must maintain its team.**
 - Proposers must obtain written permission to add or replace any "Major Participant" or "Key Personnel"
 - Request for approval must include a "side by side" comparison
 - WSDOT has the sole discretion to approve



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Proposal Bond

- **Definition**
 - Bond provided by Proposers to guarantee that the Proposer will:
 - Not withdraw its Proposal after the Proposal Due Date
 - Execute the contract if selected
- **Amount**
 - 5% of total amount of the Proposal Price

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ITP Forms

- Form A** Design-Build Proposal Form and Signature Page
- Form B** Price Proposal
- Form C** Upset Amount Determination
- Form D** Contract Time/Milestone Completion Deadlines
- Form E** Identification of Proposer, Guarantors, Major Participants, Earthwork Subcontractors, Structures Subcontractors and Each Subconsultant and Subcontractor Performing 20 Percent or More of the design-build Work
- Form F** Proposal Bond

ITP Forms

- Form G** Non-Collusion Declaration
- Form H** Certification for Federal-Aid Contracts
- Form K** Form of Guaranty
- Form L** Utility Certification
- Form M** Stipend Agreement
- Form N** Stipend Invoice
- Form O** WSDOT Form 271-015 Subcontractor List
- Form Q** Option for Use of WSDOT-Owned Property
- Form R** Organizational Conflicts of Interest – Disclosure and Avoidance/Neutralization Plan
- Form S** Organizational Conflicts of Interest Certification

Format of Proposals

- Determine the number of pages for each section.
 - Default page size -- 8.5 x 11
 - Graphic information – 11 x 17
 - Font – Times New Roman 12 point
- Proposals should match the outline in the RFP
 - Allows for easier “apples to apples” evaluation
- Limit the deliverables to only what is needed for the evaluation.

Remember someone has to review all submittals!

Upset Amount

- Designated in the ITP
- Form C “Upset Amount Determination”
- Opened by Contract Ad and Award
- BAFO

One Proposal Less than Upset Amount

- No BAFO

All Proposals are Over Upset Amount

- May request BAFO
- May cancel RFP

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Best and Final Offers

- **Definition:**
 - A request from WSDOT to Proposers to submit final Proposals.
- **Mechanics:**
 - WSDOT meets individually and confidentially with the Proposers to try to determine
 - Why Price Proposals are higher than expected.
 - Possible scope cut or different risk allocation
 - Whether RFP is unclear
 - WSDOT issues and addenda to RFP
 - All Proposers allowed to submit revised technical and price proposals in response

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Pass/Fail Criteria

- **Initial review of submittals to determine whether responsive.**
 - Key Personnel have not changed
 - Proposal Bond provided
 - Documents complete, accurate, responsive
- **Pass/Fail Elements**
 - Proposer Qualifications
 - Executive Summary
 - Submission of Required Forms

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Irregularities

- **Material Irregularity**
 - Gives one Submitter an advantage over others
 - Cannot waive
- **Immaterial Irregularity**
 - Does not affect procurement
 - Can waive



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Price Proposal Form B

- **Lump Sum Price**
 - Revenue Rule 170
 - Revenue Rule 171
- **Other Possible Amounts**
 - Incentive/Disincentive
 - Asphalt Cost Price Adjustment
 - HMA Compliance Price Adjustments
 - HMA Compaction Price Adjustments
 - Material Compliance Price Adjustments
 - Cyclic Density Price Adjustments
 - Minor Change
 - WSDOT Share DRB/Partnering
 - Reimbursement for Third Party Damage



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Evaluation of Technical Proposals

- Technical Evaluation performed by Evaluation Team
 - Occurs without knowledge of price
 - Evaluation Criteria focuses on Project Goals
- For each scored Evaluation Criteria, determine "Strengths" and "Weaknesses"
- Evaluation Criteria Assigned Technical Credits



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Adjectival Rating

Rating:	Percent of Max Score:
Excellent	• 100-75%
Very Good	• 74-40%
Good	• 39-25%
Fair	• 24-0%

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Best Value Determination

Score =
 $\text{Proposal Price} - \text{Sum of Technical Credits Earned}$

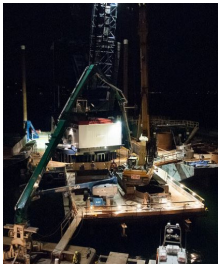
The Apparent Best Value Proposal is the responsive Proposal with the lowest Score from the above equation.

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Evaluation Criteria

Examples:

- Project Management
 - Collaboration
 - Quality
- Design
- Minimize Impacts
 - Schedule
 - Traffic
 - Community
- Environmental Compliance



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I-405, NE 6th St. to I-5 – NB Hard Shoulder Running & ETL Improvements

- Goal:
 - Congestion Relief
- Technical Credit
 - $T = \$2,150,000 - (D - 120) * \$8,000$
 - $T = \$1,670,000$

Where

- T = Technical Credits
- D = Number of Calendar Days from NTP required to achieve Northbound Congestion Relief Ready for Traffic milestone = 180

I-405, NE 6th St. to I-5 – NB Hard Shoulder Running & ETL Improvements

- Goal:
 - Excellent Project Management
- Technical Credit
 - Provide a narrative that describes Proposer's collaborative approach
 - Provide a narrative that describes Proposer's quality approach
- Evaluation Criteria: Ability to achieve the Excellent Project Management Goal
- Maximum Technical Credits: \$175,000

Betterments

- **Definition**
 - Any item included in the Design-Builder's Technical Proposal that clarifies the Design-Builder's intention to exceed a requirement included in the Contract Documents
- **The Betterments are listed higher than the Proposal in Order of Precedence, General Provisions.**

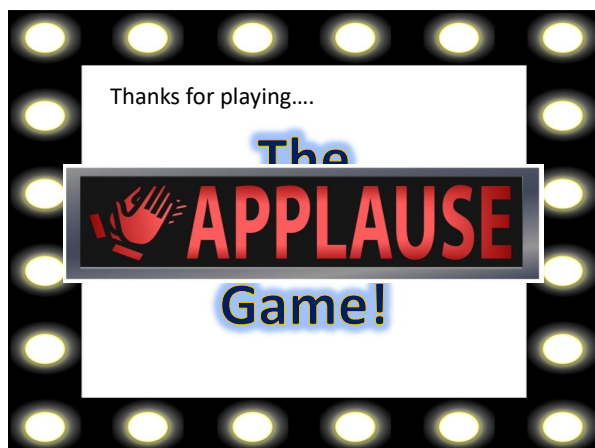












Slide 68

MJ5 What Excel spreadsheet? Are we using the Flip charts?
Missildine, Jolena, 12/21/2017

Best Value Example: I-5 Active Traffic Management System

Maximum Technical Credits:

Innovations in Dynamic Message Sign Design	\$6,000,000
Project Management Approach	\$2,000,000
Maintenance of Traffic	
Lane and Ramp Closure	\$1,500,000
Rolling Slowdown Plan	\$ 250,000

Quality \$ 200,000

Proposal Price	Technical Score	Apparent Best Value
\$41,296,078	\$3,150,000	\$38,146,078
\$34,450,000	\$1,790,000	\$32,660,000

Best Value Example: SR 167 Puyallup River Bridge

Maximum Technical Credits:

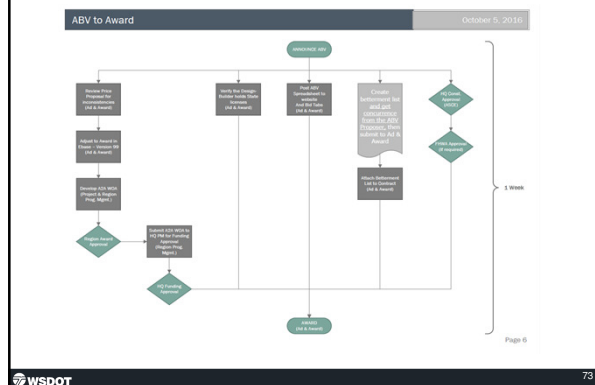
Manage Geotech Conditions	\$1,700,000
Excellent Quality	\$ 650,000
Minimize Impacts	\$ 625,000
Project Collaboration	\$ 525,000

Proposal Price	Technical Score	Apparent Best Value
\$23,500,000	\$1,805,050	\$21,694,950
\$24,866,002	\$1,463,200	\$23,402,802
\$23,220,880	\$2,034,400	\$21,186,488

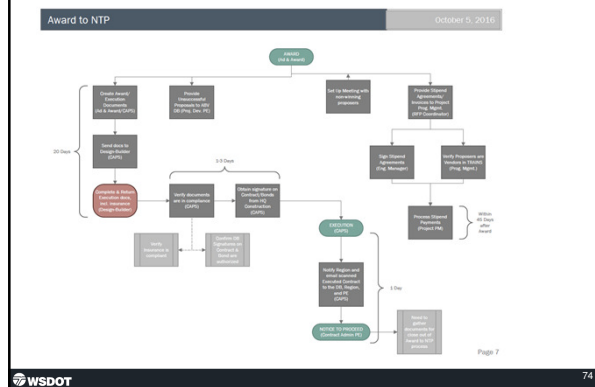
Coordination with Ad and Award Office

- Receive and distribute Proposals
- Perform pass/fail analysis
- Open Form C
- Conduct Price Proposal Opening
- Verify Selected Proposer
- Manage Contract Execution

ABV to Award Process



Award to NTP Process



Practical Design Workshop

- **By agreement of the parties**
- **Within 7 days of contract execution**
- **Purpose:**
 - Cost reduction
 - Innovation
 - Efficiency
- **Changes are “Design-Builder Initiated Changes”**

Debrief Meeting

- **Definition:**
 - Meeting with Proposers
 - Oral debriefing only
- **Purpose:**
 - Provide feedback
 - Promote transparency
 - Improve future procurements
- **Mechanics:**
 - Proposers must request in writing.

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Stipends



- Enhance competition
- Help defray costs
- Encourage submissions

"Owners should offer a reasonable stipend to unsuccessful shortlisted proposers when the proposal preparation requires a significant level of effort."

DBIA Transportation Best Practice Section I.3.f.

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WSDOT Design-Build Training

The WSDOT Design-Build Training Courses have the following modules:

- **In Person Courses:**
 - Design-Build 101 (*Prerequisite to this course*)
 - Design-Build Startup: Development of the Request for Qualifications and Instructions to Proposers
 - Design-Build Request for Proposals
 - Design-Build Office Management and Contract Administration
 - Design-Build Closeout Process
 - Environmental Issues in Design-Build
 - Quality Control/Quality Assurance in Design-Build
- **Online Courses:**
 - Statement of Qualifications Evaluation
 - Proposal Evaluation
 - Alternative Technical Concept Evaluation

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Headquarters Design-Build Contacts

<p>Art McCluskey, PE Design-Build Program Manager (360) 705-7468 mcclusa@wsdot.wa.gov</p>	<p>Jolena Missildine, Assoc. DBIA, CCM Design-Build Engineer (360) 709-7548 missildj@wsdot.wa.gov</p>
<p>Dacia Dunbar Design-Build Assistant (360) 705-6859 dunbard@wsdot.wa.gov</p>	<p>Mark Gaines, PE Lead Construction Engineer (360) 705-7827 gainesm@wsdot.wa.gov</p>
<p>Alex Countouriotis Design-Build Liaison (360) 705-7831 countoa@wsdot.wa.gov</p>	

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Resources

- WSDOT Design-Build Web Page
<http://www.wsdot.wa.gov/Projects/delivery/designbuild/Default.htm>
- Joint Transportation Committee of Washington State Legislature Design-Build Study
<http://leg.wa.gov/JTC/Pages/Design-Build-Study.aspx>
- WSDOT Design-Build Templates
<http://sharedot.eng/cn/hqconstr/dpb/DB%20Templates/Forms/AllItems.aspx>
- Design-Build Institute of America Best Practices
<https://www.dbia.org/resource-center/Pages/Best-Practices.aspx>
- Design-Build Institute of America Transportation Conference
www.dbia.org

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Questions

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